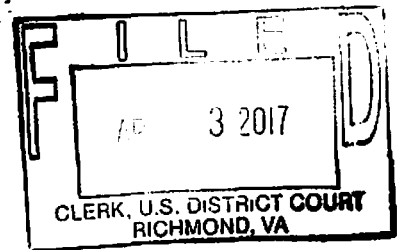


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**PETER ROSAS,**

Plaintiff,

v.

Civil Action No. **3:16CV165**

**DAVID ROBINSON, et al.,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Courts must liberally construe *pro se* civil rights complaints in order to address constitutional deprivations. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Nevertheless, “[p]rinciples requiring generous construction of *pro se* complaints are not . . . without limits.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985). Plaintiff’s current allegations failed to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on September 16, 2016, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 13.)

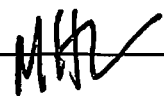
Rather than submit a particularized complaint, Plaintiff sought a stay while he pursued an appeal in another case. (ECF No. 15.) By Memorandum Order entered February 1, 2017, the Court denied Plaintiff’s request for a stay and directed Plaintiff to comply with the September

16, 2016 Memorandum Order within eleven (11) days of the date of entry thereof. (ECF No. 19.)

More than eleven (11) days have elapsed since the entry of the February 1, 2017 Memorandum Order and Plaintiff has not responded. Accordingly, the action WILL BE DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: **APR 12 2017**  
Richmond, Virginia

/s/   
M. Hannah Lauck  
United States District Judge